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MEMOIR

OF THE

LIFE, CHARACTER, AND PUBLIC SERVICES,

OF THE LATE

HON. HENRY WM. DE SAUSSURE,

PREPARED AND READ ON THE 15th FEBRUARY, 1841,

AT THE

CIRCULAR CHURCH, CHARLESTON,

BY APPOINTMENT OF THE SOUTH CAROLINA BAR ASSOCIATION.

BY THE HON. WILLIAM HARPER.

PUBLISHED AT THE REQUEST OF THE SOUTH CAROLINA BAR ASSOCIATION.

CHARLESTON:
PRINTED BY W. RILEY, 41 BROAD-STREET.

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SOUTH CAROLINA BAR ASSOCIATION, CHARLESTON.

At a special meeting of this Association, held in the Library Room, on the 15th February, 1840, the following resolution was offered by the Honorable Judge Gantt, and unanimously adopted:

Resolved, That Chancellor Harper be requested to prepare a memoir of the late Chancellor De Saussure, to be delivered at the next anniversary of the Association.

15*th February*, 1841.

A special meeting of the South Carolina Bar Association was held this day, when it was

Resolved, That a Committee be appointed to wait on Chancellor Harper, and to return the thanks of the Association, for his able, interesting, and instructive discourse, in honor of our late venerated magistrate, Chancellor De Saussure, and to request a copy for publication.

From the minutes,

JAMES L. GANTT, *Secretary*.

MEMOIR

OF

CHANCELLOR DE SAUSSURE.

Of all the forms of human weakness and vanity—and what is there pertaining to human character with which weakness and vanity are not mingled?—one of the most natural, one of the most allowable, and, perhaps it may be said, one of the most useful, is that which prompts men to find gratification in having received their descent from ancestors distinguished by their virtues, their great qualities, or illustrious actions. Such a feeling is, of itself, a guaranty for the virtue of the descendant, and an incentive to all honorable actions; for if unworthy and degenerate, he must know that he is doubly disgraced. It has been well said, that the man, who is indifferent with respect to the character of those from whom he derives his being, is not likely to be very careful of the character which he himself is to transmit to his posterity. But that this feeling may produce its proper effect, it must be sustained by the sympathy of public sentiment. If public opinion undervalues and despises this advantage, the individual himself will soon learn to disregard it. I have often thought, that in a republic, where there are no

artificial and arbitrary distinctions of rank, peculiar consideration ought to be attributed to illustrious descent. It is the sentiment of nature, whose dictates are unerring. The Romans carried in procession the statues of their ancestors. If a descendant of Washington were living, we could not, if we would, regard him with no greater interest than an individual sprung of a race undistinguished by the performance of any public service. You regard with veneration any thing connected with a great man—the place of his birth, or residence, or the scene of his exploits—how much more his living and kindred blood. To pay this consideration, is not to attribute merit to the individual so distinguished. It imports the good of the whole community, that it should be inspired by a generous sentiment. Motives inspired by the imagination, such as the love of fame, or of country, are of a more elevated character, and tend more to produce great actions, than those of a more tangible character, such as the desire of present wealth or power. But no motive of this sort operates more strongly than that which prompts a man to aspire to become himself the founder of a race, and to transmit his own honors to a long posterity. This addresses itself equally to the most obscure, as to the most eminent; to all who feel the stirrings of genius, or the capacity for noble actions. By paying this consideration, society provides for its own service.

The subject of this memoir was of a highly distinguished ancestry. He, who may be regared, in one respect, as the founder of the family, was Anthony De Saussure, who lived in the beginning of the sixteenth century, in Lorraine, in France. The family name is derived from a borough of that

dutchy, called Saussure, which the family formerly possessed. His father, Mongin De Saussure, who lived in the latter part of the fifteenth century, possessed large estates in the dutchy of Lorraine: he was lord of Dommartin and Monteuil, near Amance, with full seignoral jurisdiction, and various honors and offices were conferred upon him by the Duke of Lorraine; among others, the office of Counsellor of State, and that of Grand Falconer, then regarded as one of the highest offices of the State. Portions of his correspondence, with various eminent personages, are preserved by his descendants, to shew the consideration in which he was held. Among his correspondents were the Duke of Lorraine, (who killed Charles of Burgundy, at the seige of Nancy, in 1479,) Rene, king of Sicily, and Henry of Navarre, the maternal grandfather of Henry the Fourth.

Anthony De Saussure embraced the reformed religion, on which account he abandoned Lorraine in 1551. He resided successively in the cities of Metz, where he was one of the chief instruments, in the hands of God, for the establishment of the reformed religion;* in Strasburgh, and in Neufchatel. He also resided for some time in the city of Geneva,

* I am furnished with the following references to the *History of Calvinism, by Father Maimbourg, Book* 5, *p.* 359, 360; and to the *Ecclesiastical History of Theodore Beza, vol.* 3, *p.* 441.

"And when it was perceived that the protestants failed to receive the holy communion at Easter, (1552,) they were forced to it under the penalty of being expelled the city of Metz; as were, a month before its reduction, one, a Frenchman, named Croggsville, and the other of Lorraine, called Anthony De Saussure, who absolutely refused to obey."

"Some time after, at the solicitation of a gentleman of Lorraine, Sieur de Dommartin, a man full of piety and zeal, who had retired some years before to Switzerland, there came to Metz, a young man of Bordelais, named Villeroche, sent from Lausanne, who secretly exercised the ministry, and accomplished a great deal in a short time."

during the life of Calvin, with whom he was on terms of friendship and intimacy. A portion of his correspondence, with the great reformer, is still preserved by his descendants. He finally placed himself under the protection of the States of Berne, and settled in the city of Lausanne, which, in the year 1556, spontaneously honored him with citizenship. He left numerous descendants, who were repeatedly distinguished by the highest honors of their adopted country, and the nobility of the family was officially recognized. In 1712, John Louis De Saussure having performed gallant service in the battles of Bremgarten and Wilmergen, the States of Berne, to testify their approbation, erected his estate of Bercher into a barony, and directed their Chancellor to confer on him the titles of "*noble and generous.*" But one of the most distinguished ornaments of this distinguished family, was the illustrious philosopher and naturalist, to whom science is so much indebted, Professor De Saussure.

Henry De Saussure, of Lausanne, the grandfather of the subject of the present memoir, emigrated to South Carolina in the year 1731. He purchased lands in Beaufort district, near Coosawhatchie, and became a planter. There he lived and died, and there his monument is found. He left, at his death, four sons and two daughters, and his numerous descendants have become connected with a great number of the principal families of the State.*

Of his sons, Louis, the third, entered the army early in the revolutionary war, and received a com-

* The descendants of Henry De Saussure, now living, amount to one hundred and twenty-nine, and with the exception of ten, are all residents in the State of South Carolina. But four members of the family have ever emigrated from the State.

mission in the continental line of South Carolina. He was in several engagements, and was at last mortally wounded in the assault upon Savannah, under General Lincoln. He was brought to Charlestan, but died of locked-jaw while entering the harbor. We see his monument in St. Michael's church.

Thomas, the fourth son, was on a visit to Norfolk, when Virginia was invaded by Arnold, in 1781. With other gentlemen, driven out of Norfolk by Arnold, he went into the country and joined a volunteer corps, and was soon after killed in one of those skirmishes which preceded the events that led to the capture of Cornwallis—the second life of the family devoted in the cause of their country.

Daniel De Saussure, the eldest son of Henry De Saussure, and father of the subject of this memoir, was born at Pocotaligo, in Beaufort district, in 1735. He removed to the town of Beaufort in 1767, where he conducted the largest commercial establishment then existing in the State, out of the city of Charleston. He took an early and active part in the revolutionary struggle, and when the troubles broke out, was elected member of the Provincial Congress of South Carolina, from Beaufort, which he continued to represent until his removal to Charleston, in 1779.

In 1775, when the question of declaring independence was anxiously discussed, he was sent by the Provincial Congress, in conjunction with Mr. Powell, to Georgia. That young colony was feeble in resources and population, and the object of the mission was to stimulate their energies, and to confer with them as to the plan and means of resistance. The mission was successfully conducted.

He was an intelligent and enterprising merchant,

and when our relations with England were broken off, was the first merchant of South Carolina to open a trade with France. Early in 1777, he sailed in his own brig, with a cargo of rice and indigo, to Nantes, where he established a commercial correspondence, long afterwards kept up, and brought back a large and valuable cargo, which he sent into Charleston.

While in France, he determined to visit the land of his fathers, and passed into Switzerland. Here he found that his father's brother had recently died, but met with first cousins at Lausanne, and numerous relatives, who received him with great cordiality and kindness. The authorities at Lausanne presented him with the medal of the Canton, (still in the possession of the family,) representing the significant fable of the old man and his sons, and the bundle of sticks, to which every head of a family in the Canton was entitled. At their request, he recorded the names of his children in the town books at Lausanne, which gave them the right of citizenship. Visiting Geneva, he became acquainted with his distinguished relative, Professor De Saussure, with whom he continued to correspond for many years.* After a short visit he returned to America, and re-established his residence at Beaufort, of which he was a resident when the British, in December, 1778, advanced with a formidable armament to the attack of Savannah. A transport, belonging to the fleet, laden with troops and horses, grounded on the shoals near St. Helena. Mr. De

* While on this visit, he obtained from his relatives a manuscript account of the family, to which I am indebted for the particulars which relate to its early history. The manuscript contains other curious and interesting details.

Saussure, at that time commanding a volunteer company at Beaufort, proceeded with part of this company, in a barge, to reconnoitre the vessel. Finding her to be an enemy's vessel, they boarded her; the transport surrendered, and was brought into Beaufort, with the troops and two British captains, as prisoners of war.

Having removed to Charleston, he bore arms during the siege of that city by Sir Henry Clinton. By the terms of capitulation, the officers were sent to Haddrell's Point, as prisoners of war, and the militia prisoners were ordered home upon their parol. Emboldened by the defeat of Gates, at Camden, provoked by the affair of Andre, and determined to break the spirit of the State, the British commander sent to St. Augustine, to be put into close confinement, upwards of sixty of the principal gentlemen of Charleston; among whom, were Edward Rutledge, Hugh Rutledge, Gen. Gadsden, Gen. Read, Arthur Middleton, Daniel De Saussure, and other leading men. Here they were detained till the general exchange of prisoners in 1781, when Mr. De Saussure, with the other liberated prisoners, were transferred to Philadelphia. Here he received an appointment in the bank of Robert Morris.

Upon the surrender of Cornwallis, he returned to Charleston, and resumed his commercial pursuits, and upon the establishment of a branch of the Bank of the United States in Charleston, he was appointed its President; which office he continued to hold until his death.

In 1783, he was elected a member of the Legislature of South Carolina, and served as a member until 1791. During the two last years of his life, he

was President of the Senate, in which body he presided at the first session held in Columbia, after the removal of the seat of government.

His character is thus drawn by, perhaps a partial, but certainly discriminating hand. He was a gentleman of great equanimity and amiable disposition; generous, though prudent, and greatly beloved by his friends. His judgment was sound, his understanding clear, and his capacity for business great. To these qualities were added habits of the most persevering industry. He died in July, 1798.

Henry William De Saussure, the eldest child, and only son, of Daniel De Saussure, was born on the 16th of August, 1763, at Pocotaligo; but was removed, while a child, to the town of Beaufort. Dr. Johnson, I believe, has said, that he who has contributed, in any degree, to the education of a distinguished man, deserves to be commemorated, and it may be mentioned that he received his early education at the school of Mr. Cummings, a Scotchman. On the removal of the family to Charleston, he was placed under the care of Mr. James Hampden Thompson, a classical teacher of high reputation. At these schools he formed friendships with many boys and young men, who afterwards acted distinguished parts in public affairs, and preserved his friendships with them through life. What friend, indeed, did he ever lose, whom he had once gained? The invasion of the State, under Prevost, in 1779, caused the schools on the seaboard to be closed, and the youth of the country to be summoned to arms. Among others, the subject of our Memoir bore arms at the age of sixteen, and served during the siege of Charleston, as a private in a volunteer corps. After the surrender, he was parolled for some time,

in pursuance of the terms of capitulation. Broken in spirit, and believing the contest ended, many of the prisoners consented to accept protection, acknowledging themselves British subjects; but he, with others of more enduring metal, refused this submission. In consequence of this, they were, in the spring of 1781, summoned to the guard house, and thence marched on board the prison ships in the harbor. Their imprisonment lasted about two months; when, upon the general exchange of prisoners, he was sent in a cartel to Philadelphia. Soon after his arrival, he was joined by his father, sent from his exile at St. Augustine, whom he had not seen for nearly twelve months. We may imagine the feelings of the parent and son, at a meeting after such a separation, under such circumstances.

He was desirous of returning to the South, but his father determined to enter him in the office of Mr. Ingersoll, the distinguished jurist of Philadelphia, for the study of the law. To supply, as far as practicable, the deficiencies of an interrupted education, he attended lectures in the University of that city, on moral and natural philosophy, and also attended the mathematical class. In 1784, he was admitted to the bar of Philadelphia, and was, before his death, the oldest member of that bar, with the exception of Mr. Duponceau. At this time he met, in the circles which he visited, his future wife, who had been sent to Philadelphia, from Morristown, in New Jersey, for her education.

Returning to South Carolina, he was admitted to the bar of Charleston, in 1785. The character of the bar, in our country, must always exert a strong influence over the character of the community. As it exercised a peculiar and deserved influence, and

had much effect in determining the character of the subject of our memoir, it may not be inappropriate to advert to the state and characteristics of the bar of South Carolina, at that time. It was, for the most part, composed of men of accomplished education, who, before the beginning of the revolutionary war, had completed their literary and legal studies in the English Universities and Inns of Court. They were, therefore, well grounded in the elements of their profession; but as all civil business had been suspended, and the Courts shut up by the war, and then but lately resumed, and re-opened, they could not be practised or profound technical lawyers. Many of them had discharged important public functions during the revolution, and not a few had distinguished themselves in the military service of their country. This engrafting the lawyer upon the soldier and statesman, gave a peculiar and liberal character to the profession, such as has not often marked it, and which perhaps it would be well for the State, if it had more fully retained. There was a frankness, a fairness, a high and generous integrity, which has not been often supposed to be characteristic of the legal profession. The sense of honor tempered the narrowness and selfishness which is accustomed to stand upon strict right. It was the time of chivalry of the bar. They supposed that to be a *gentleman*, was the first requisite to becoming a lawyer. There was a liberal courtesy extended even to the weakest and youngest, which countenanced and encouraged their efforts, and hailed with generous and disinterested pleasure the appearance of superior worth or talent; while there was a dignity and energy which could not have tolerated, for an instant, in any member of the profession, the

slightest approach to falsehood, chicanery, or the practice of petty arts. They would have disdained to contend with feigned zeal, and the appearance of full conviction, for propositions which they knew to be false, and which every intelligent lawyer must have known to be false; as they would have disdained to color the statements of a brief, or to mislead a Court as to facts. Indeed, there is nothing which tends more to impair the legal mind, than the habit of defending, with the same earnestness, pertinacity, and confidence, the weakest, and most palpably untenable, as the strongest, and soundest positions. The mind loses after a time the power of discriminating truth and falsehood. The lawyer who is distinguished for the talent of making the most of an utterly desperate cause, is perhaps most likely to endanger a good one. A bad cause is entitled to have said all that can be fairly said on its behalf; but it cannot fairly claim that its advocate should prostitute his mind by chicanery, disingenuousness, or palpable sophistry.

At the head of the Court with which he himself was afterwards identified, Mr. De Saussure found John Rutledge, who had played all the parts of patriot, statesman, soldier, orator, and jurist, and attained the highest distinctions of all. At the bar, he found General Charles Cotesworth Pinckney, whose name is, indeed, well known to the people of South Carolina, but himself not half so well known as he ought to be; who, perhaps, more than any other individual, contributed to form what was generous, honorable, and estimable, in the character of the bar and of the State. Nothing, I think, can be more characteristic of the man, and the high tone of his character—that patriotism which is shewn,

not by words, but by sacrifices, devotion, and service—disinterestedness, courtesy to others, and that true self-respect which is inseparable from modesty of self-estimation—than the correspondence which is preserved in Spark's Life of Washington.* Washington being appointed Commander-in-Chief, upon the apprehension of a French war, in 1798, was anxious for the appointment of general officers, in whose zeal and ability he could repose perfect confidence. For this purpose, he turned his thoughts upon Hamilton, Pinckney, and Knox. But a difficulty occurred. Knox was his most cherished personal friend; but from his estimate of the energy and talent of Hamilton, and Pinckney, he was desirous that the first of these should be placed next in command to himself, and Pinckney second, leaving the third place to Knox. He, however, during the revolutionary war, had been first in rank, Hamilton being the lowest; and there was a delicacy in proposing to military men to serve under those whom they had formerly commanded. On the appointment being tendered to Knox, in the order proposed by Washington, the gallant old soldier, with the common military feeling, replied: "In so plain a case, it is unnecessary to multiply words. The impossibility of my serving under officers so much my juniors, must have been known to those who made the arrangement. The principle, that no officer can consent to his own degradation, by serving in an inferior station, is well known and established among military men." Upon the same communication being made to Pinckney, just then arrived from his mission to France, he answered: "A few hours after the ship

* Spark's Life of Washington, xi. vol. Appendix, p. p. 550, 551.

in which I came, had cast anchor in the North River, it was intimated to me, that it had been doubted whether I would accept my appointment, as General Hamilton, who was of inferior rank to me in the last war, was ranked before me in the new arrangement. I declared then, and still declare, that it was with the greatest pleasure I saw his name at the head of the list of Major Generals, and applauded the discernment which had placed him there. I knew that his talents in war were great, that he had a genius capable of forming a great military plan, and a spirit courageous and enterprising, equal to the execution of it." Speaking of the dissatisfaction of General Knox, which had been communicated to him by Major Haskell, he adds: "As I consider General Knox to be a very valuable officer, though I do not estimate his talents in a degree equal to those of General Hamilton, I told the Major that, rather than the feelings of General Knox should be hurt, at my being ranked before him, he might take my place in the arrangement, and I desired him, when he wrote to the General, to intimate this to him. General Knox's *absolute refusal* to serve, because I am placed before him, would make the same offer from me more improper. I do not, therefore, renew it. But if the authority which appointed me second Major General in the army, will reverse the arrangement, and place General Knox before me, I shall neither quit the service, nor be dissatisfied." This is worthy of him, who replied, "my countrymen will give millions for defence, but not a cent for tribute."*

At the same bar was General Thomas Pinckney, accomplished as a scholar, beyond the ordinary

* Mr. De Saussure was appointed aid-de-camp to General Pinckney, and would have served, if the army had taken the field.

scholarship of a gentleman, and not less accomplished in manners; distinguished as a soldier, and successful as a statesman, and diplomatist. The same character might be attributed to Edward Rutledge, of whom the venerable subject of our memoir was accustomed to speak, as the most perfect specimen he had known, of a courteous and accomplished gentleman. We might well suppose that his own character had been formed on that model. It is remarkable, that these four individuals were the friends, the intimates, and correspondents of Washington; of whose abilities, and characters, he, whose praise is fame, often expressed the most exalted opinion. His unerring judgment repeatedly selected them for public situations of the highest distinction, and greatest responsibility.*

Others there were of the legal profession, worthy associates of the men I have named. Hugh Rutledge, afterwards Chancellor, Moultrie, Pringle, then lately admitted, and others. Such was the school into which Mr. De Saussure entered upon coming to

*John Rutledge was appointed by Washington, first an Associate Judge, and then Chief Justice of the United States; and upon his resignation of the latter office, the same situation was offered to Charles Cotesworth Pinckney, or Edward Rutledge, as they might determine between themselves, in a letter addressed to them jointly. They declined to accept, among other reasons, because they thought they would "be of more real advantage to the General government, and their own State government, by remaining in the Legislature, than they could possibly be by accepting an office, which fills the public eye with the appearance of being lucrative." Charles Cotesworth Pinckney had served as Washington's aid-de camp, and was appointed, at a most critical period, minister to France. We need not say how he performed his functions. As we have seen, he was appointed Major General on the prospect of a war with France. The situation of Secretary of State, and that of Secretary at War, were also, at different times, tendered to him by Washington. Thomas Pinckney was appointed minister to London, and the situation of District Judge of the United States was offered to him. Edward Rutledge was recommended by Washington, for the command of the artillery, in the event of a war with France.

the bar, and the pupil was worthy of the school. The tone of his own character, the courtesy of his manners, his conscientious and untiring zeal and industry in business, and ardor for honorable distinction, attracted the kindness and friendship of his distinguished leaders; which, I believe, in every instance he retained, while they continued to live. The spirit which animated the bar of Charleston, at the time of which I speak, did not become extinct upon the retirement of the members who then composed it. The mantle descended upon many worthy successors. Does the same spirit still continue to exist among us? or will it be revived? or shall we speak of the venerable friend whom we commemorate, as the last of the Carolinians?

In the spring of 1785, Mr. De Saussure returned to Morristown, and was married to Miss Eliza Ford, who returned with him to Charleston, and with whom he lived in a long and happy union. His assiduity in the study and practice of his profession, and the talent which he evinced, were attended by corresponding success. In October, 1789, being then but twenty-six years of age, he was elected a member of the Convention which was to assemble at Columbia, in the following May, both by his native parish of Prince William's, and for Charleston. He chose to represent the latter, as being his place of residence. The Convention assembled, and framed the Constitution of the State of South Carolina. In the ensuing autumn, he was elected a member of the Legislature, which assembled at Columbia, in January, 1791, to mature and enact the laws proper to give effect to the Constitution. Among these, was the act to abolish the right of primogeniture, on which Mr. De Saussure was consulted by Edward

Rutledge, who drew it, and suggested an amendment. A bill was drawn, and introduced by Mr. De Saussure, which passed into a law, to remedy the inconvenient arrangement of the circuit court districts.

The young whigs who came into the Legislature soon after the revolution, commiserated the sufferings and ruin of those citizens of South Carolina, who had been opposed to the country during the late war. These severities were likely to be peculiarly revolting to the native benevolence of Mr. De Saussure, who accordingly became the advocate of the sufferers. Whole families had been broken up by the confiscation of their property. Many of these were of great worth, who had, doubtless, acted from a mistaken sense of duty. When the storm had passed away, and the country had the feeling of security, there was a re-action of public opinion. The younger members of the Legislature exclaimed against the severities which had been practised towards these unfortunates, and proposed to repeal the acts of confiscation, and restore their property. Some even ventured to speak of these laws as acts of oppression. But in the words of their advocate, the veterans of the revolution in the Legislature interposed, saying, "we do not object to your generous views, but beware how you censure the revolutionary policy, or we will go into the house, rekindle old feelings, and raise such a storm as will sweep away all your benevolent plans. It is necessary to have been in the midst of that fearful contest, when men fought with halters round their necks, and our country was trampled under the foot of military domination, to appreciate the feelings under which the confiscation acts were passed."

The advocates of the lenient policy were successful.

In 1794, Mr. De Saussure suffered under an attack of rheumatism, so violent that his life was despaired of. Having spent the summer at the Sweet Springs of Virginia, with benefit to his health, he proceeded to New York. Here he received a packet from Edmund Randolph, then Secretary of State, enclosing the commission of President Washington, appointing him director of the mint of the United States. We learn from himself, that he waited on General Alexander Hamilton, and, shewing him the commission, said, "I know nothing of this matter, nor why this commission has been sent me; I am utterly unacquainted with the duties of the office." General Hamilton replied, "If this office will be convenient to you, accept it. You are a lawyer, and a man of business, and can easily make yourself acquainted with its duties. You have only to see that others discharge their duties." He accepted the office, proceeded to Philadelphia, and visited his predecessor, the venerable Rittenhouse. Applying himself to his official duties, with his usual conscientious assiduity, he soon became master of their details. There was, about this time, a large importation of bullion from France, and the West Indies, in consequence of the disturbed state of those countries, and universal activity was given to the operations of the mint.

General Washington, whose habit was to see the heads of departments every week at his table, upon one of these occasions, expressed to the director of the mint his satisfaction at the activity which had been introduced into the silver coinage, and added, "I have long desired to see gold coined at the mint,

but your predecessor found insuperable difficulties. I should be much gratified if it could be accomplished before I leave office." "I will try," was the reply; and the director went to the mint, summoned the officers, ascertained the wants and difficulties of each department, and by great diligence, speedily removed all obstacles. In six weeks he carried to the President a handful of gold eagles, and received his thanks and approbation.

Finding his health re-established, and being anxious to return to Carolina, and his profession, he tendered his resignation to General Washington, who accompanied his acceptance of it with a letter expressing approbation of his conduct in office, and regret at his leaving it. This autograph letter, as the slightest memorial of Washington would, of course, be, is still preserved in the family. The President consulted him with respect to his successor in office, and Elias Boudinot was appointed. Returning to Charleston, he again devoted himself to his profession, in connexion with Mr. Timothy Ford, who had married his sister.

In 1799, Mr. De Saussure received the unanimous thanks of the City Council of Charleston, for his services in the office of Intendant, which he had just vacated. In 1801, as a member of the Legislature, he took a zealous and active part in promoting the act for the establishment of the South Carolina College, and few contributed more to its success; an act of more lasting benefit to the State, more honorable to its character, and more promotive of its true interests, than any which its Legislature ever passed. This measure originated in the contest which had arisen between the *upper* and *lower country* of the State, with respect to representation in the Legisla-

ture. The upper country, which, at the adoption of the Constitution of 1791, was comparatively poor and unpeopled, had allotted to it, by the provisions of the Constitution, a much smaller representation. It had now grown in wealth, far out-numbered the lower country in its population, and imperatively demanded a reform in the representation. This, the people of the lower country feared to grant, on the ground of the general deficiency of education and intelligence in the upper country, which would render it incompetent to exercise wisely and justly the power which such a reform would place in its hands. It was to remedy this deficiency, that it was proposed to establish a college at Columbia. The act was passed, not without difficulty, nor without the strenuous opposition of many whom it was more especially intended to benefit. There is no citizen of the State, and still more, there is no one who has directly and personally received the benefits of the institution, whose deepest gratitude is not due to every one who contributed, in any degree, to the success of the measure.

From 1802, Mr. De Saussure declined serving in the Legislature, remaining devoted to his profession, until 1807, when he was again elected. At the first session he attended, after his re-election, he prepared and reported a bill, then very much needed, to remedy abuses at sheriff's sales, which was passed into a law, and has been found effectual. The most important measure, however, which was agitated by that Legislature, and one of the most important ever agitated by any Legislature of the State, was brought forward at its June session in 1808. This was the bill to alter the Constitution of the State, so as to make an apportionment of representation in the

Legislature, on new principles, which was warmly supported by Mr. De Saussure. This measure was matured and introduced by one who was associated with him, not more by ties of near affinity, than of affection and esteem, and whom it well becomes us to associate with him in our recollections. Of the same assiduous devotion to any public duty, amounting indeed to ardent and enthusiastic zeal for that which appeared to him to be good and useful; of the same generous inclination to develope and bring forward every indication of worth or talent in others; of sound and vigorous mind, which placed him at the head of the legal profession, and which rendered him impatient of any thing short of a thorough and perfect comprehension of that which he desired to know; this measure was one of the many benefits conferred upon the State, of many more desired and attempted to be conferred, by *Abram Blanding*, whose life was, at last, a sacrifice to the sense of public duty. With him, it is understood, that *William Lowndes* was associated, in the maturing of the bill. This was upon principles so obviously fair and satisfactory; balancing so happily the interests of the several portions of the State supposed to be discordant; providing so completely, not only for remedying the present difficulty, but for preventing the recurrence of it in future; that it was received and adopted with almost unanimous satisfaction. From this measure, we may trace the extinction of the invidious feelings and contests, which formerly divided the State, and its present happy harmony; and now, after an experience of more than thirty years, we still regard it with unabated approval, as one of the happiest features of our Constitution.

At the session of 1808, Mr. De Saussure, without

any previous intimation, and without any movement on his part, was elected one of the Chancellors of the State. Soon after his election, he removed to Columbia, where he continued to reside for a period of twenty-nine years, and until a short time before his death. During all that time, he might be regarded as the centre of the society of that place. Exercising an elegant and almost unbounded hospitality, at his table, might be often met every thing of worth and intellect that was within his reach. And, certainly, no man was ever better qualified to discharge the offices of hospitality. His courteous demeanor, his happy ease, his cheerful and intelligent conversation, inspired like ease and friendly feelings in others, and drew out what was best in the minds of his guests. I believe, that all who remember these meetings, will concur with me, in saying, that there are few more grateful recollections of social enjoyment. There was no visitor to the place of his residence, citizen of the State, of another State, or foreigner, having the least claim to his attentions, who failed to receive them. A gentleman once observed to me, "I love to see a foreigner in the society of Judge De Saussure. It must convince them that there are eminent exceptions to the general reputed rudeness of our manners."

The college of the State, which he had contributed so much to found, was an object of his unceasing care and interest. By his office, one of its trustees, he watched over all its affairs with an unceasing, industrious vigilance, as if its superintendance, and the advancement of its prosperity, were his own peculiar and exclusive duty. Always indulgent to youth, he delighted to watch for any indication of merit, and to develope whatever appeared promising in talent or character; and when he sup-

posed such promise to appear, he watched over the individual with an almost parental solicitude. And it well becomes his memorialist to commemorate this part of his character. At that time, in the humblest obscurity, I was distinguished by his countenance, encouraged by his kindness, instructed by his advice; and for thirty years, until from an encouraging friend and adviser, he had become an intimate friend, and official associate, no occasion of shewing kindness was permitted to pass; his countenance was never turned upon me but with benignity.

About 1816, and 1817, Chancellor De Saussure published his Equity Reports. These, to an extent which it is, perhaps, now difficult to appreciate, gave an impulse in the State to the cultivation of that department of jurisprudence; the study and practice of which, had previously been very much confined to Charleston. I well remember the first bill, which, when a student at law, I knew to be drawn by eminent counsel, which contained *two counts*, in the manner of a declaration at law. I believe these reports are quoted, with approbation, in every State of the Union in which a chancery jurisdiction exists; and it may not be invidious to say, that his own decisions and opinions constitute the most valuable portions of them.

In 1822, he was deprived, by death, of his excellent and amiable wife, and the bereavement long threw a shade over his cheerful and hospitable home.

When, in 1824, a new organization of the Courts was made, by which the number of Chancellors was reduced from five to two, he, together with Chancellor Thompson, were elected by the Legislature, to remain on the Chancery Bench. Some years after this, he performed an office of piety, in preparing

and publishing an interesting memoir of his late deceased friend, and former associate on the Chancery Bench, the amiable and gifted Waties.

In 1835, Chancellor De Saussure was elected the first President of the Society for the advancement of learning, then lately established at Columbia. Not anticipating how imbecile the attempt would be, and how disgraceful the failure, to maintain such an institution, he professed to be much gratified with the appointment, as the highest distinction he had ever received. At his inauguration, he expressed himself with his usual modesty, as to his appointment, and said with a feeling, which communicated itself to all who heard him, "I can only ascribe your choice to your Spartan veneration for age, and your too partial personal regard. You saw the remnant of a generation which has nearly passed away, floating down the stream of time, and verging on eternity. You arrested him for a moment, to make use of him as the connecting link between the present and the past generation."

He continued to discharge the duties of his office with his customary zeal and ability, until the year 1837. About that time, his health became so much impaired as to render him, in his own opinion, incapable of satisfactorily discharging his public duties, and he proposed to resign. It will illustrate his character to relate, that several of his friends waited on him to dissuade him from taking this step. He had been too generous and too hospitable to be rich. He had rather impaired than improved his private circumstances, while in office, and, in fact, depended for his support principally on his public salary. It is true, that his children would most joyfully have supplied any deficiency in his income,

but it was invincibly repugnant to his feelings, thus to reverse the order of nature, as he expressed it, in the conferring of such benefits. He could not bear to be a burden. His friends represented this to him; and that he, who had spent the prime and vigor of his life in the public service, at a compensation which did not permit him to make provision for a time of infirmity, and whose income might, in some sort, be said to have been devoted to the public, should receive a support from the public during that time of infirmity. They represented that his office was held by the tenure of *good behaviour;* that no one doubted, but that he had discharged its duties faithfully, while in his power, and that it could not be attributed to him as misconduct, that he should not perform duties, which it was physically impossible that he should perform; that his health might, perhaps, improve, of which, indeed, his physicians gave hopes; and that by similar reasoning, any judge who, in consequence of protracted illness, failed to attend a Court, or a circuit, might feel himself called upon to resign. At their earnest solicitation, he took time to reflect, and at length replied, that he would not attempt to reason upon the matter, but could not reconcile it to his feelings to receive the emoluments of a public situation, of which he was unable to discharge the duties ; that with health so much impaired, at his time of life, he could not reasonably expect any considerable or permanent improvement; and at all events, that the public service ought not to be obstructed, and the State embarrassed, upon such a speculation.

His resignation was communicated to the Legislature through the Governor, who recommended to that body to bestow on him some signal mark of the

public esteem and gratitude. Resolutions were accordingly passed, expressing their high sense of his eminent and faithful services—"services," as the resolutions expressed it, "which not only furnished the best memorials of his worth, but an enduring example to those who are destined to succeed him." A year's salary, in advance, was voted to him. The sentiments expressed by the Legislature were shared by every good man in the State. From his amiable character, his venerable age, and present infirmity, a feeling of tenderness mingled itself with the respect, which was inspired by his talent, and public services.

A few months after his resignation, his health appeared, for a time, to improve, so as to afford hopes of a life prolonged beyond the ordinary period. These appearances, however, were but transient; he soon sunk again, and continued more and more to decline, until the 26th of March, 1839, when he expired. He died at the residence of his eldest son, in Charleston, in whose family he lived a considerable time before his death. And, perhaps, no man ever met death under circumstances of greater mitigation. During his long illness, which happily was not attended with great pain, he was surrounded by affectionate relatives, the objects of his own fondest attachments. He perceived more clearly than in former times, the affectionate interest with which he inspired his numerous friends, and it may be said, the State at large. The business of life with him was done. He had the happy consciousness of having discharged faithfully and honestly, so far as human frailty would permit, his duties to himself, to his family, and to society. He saw his numerous children, of mature age, established in

life, with fair hopes, or assurances, of prosperity and usefulness, and knew that he should transmit to them, and to their children, the inheritance of a name unsullied by any shade of dishonor. He conversed cheerfully with his friends, endeavoring to make his conversation not only entertaining but instructive to them, and spoke of nothing more cheerfully than his own approaching dissolution. There was no affectation of stoicism; no undervaluing of life, which his own benignity had taught him to enjoy; but the religion which he had professed in life supported him in death, and he looked forward with the serene hope of a happy immortality. There is no superstition in believing, that this auspicious closing of life was vouchsafed by the peculiar favor of heaven to a good and virtuous man. "The good man is taken away, and the merciful man is removed, and the living lay it not to heart." Yet there have been few men whose death has caused a more general or affectionate regret. His remains were interred in the family burial ground at Columbia.

The leading traits of the character of Chancellor De Saussure, were the sense of duty, and benevolence. The former was most conspicuous to general observation, in the discharge of his official duties. His devotion to them was assiduous, untiring. His object was not to *get over* the business of a Court, but to get *through* it, and dispose of it effectually; and for this purpose, he was the most patient of listeners and investigators. The labor which he bestowed in the preparation of his opinions, his research into every quarter and authority whence light could be derived, were extensive, and almost unbounded. Yet, coming so cautiously and laboriously

to his conclusions, he was the least opinionated of human beings. In exercising appellate jurisdiction, when his own decisions were in question, he scrutinized them with the same candor, freedom, and impartiality, as if he stood totally uncommitted on the subject, and I believe no one more sincerely rejoiced in the correction of his errors. Even when retaining his own opinion, it was overruled by others, he cheerfully acquiesced, and ever after, in good faith, followed and maintained the authority of the decisions from which he had dissented. Never did he attempt to obtain consideration for himself, and to depreciate the tribunals, of which he formed a constituent part, by insinuating their errors, and his own better judgment. It appears, from a return of the Commissioners in Equity, made for another purpose, in 1830, that of more than two thousand decrees and opinions, made and delivered in the State, for the preceding twenty years, nearly one half were pronounced by Chancellor De Saussure.* During the

* Total number of regular Decrees in the Circuit Court of Equity *from January*, 1809, *to January*, 1829, according to the Commissioners' returns.

Charleston, total,	700	of these Chancelor De Saussure delivered 272
Richland,	104	55
Georgetown,	139	66
Colleton,	101	55
Beaufort,	135	45
Laurens,	120	54
Spartanburgh,	59	33
Darlington,	63	19
Barnwell,	31	14
Orangeburgh,	42	16
Edgefield,	111	42
Abbeville,	133	48
Pendleton,	44	12
Greenville,	11	6
Camden,	41	14
Lancaster,	8	6

greater portion of this time, there were five Chancellors, and when we recollect the care with which his opinions were prepared, we may very well say, that more than one half the labor of administering the Chancery jurisdiction within the State, was performed by him. For twenty-five years he never failed to attend a circuit at the appointed time. And in later years, when increasing infirmities might well have excused such omissions, they were exceedingly rare. During the same time, he never failed to attend, but three days, in the Court of Appeals.

In Court, he presided with a dignity from which few would have ventured to derogate, and an urbanity which took from every one all temptation to do so. It must have been, indeed, a rude nature which could have failed in respect to this venerable magistrate. Before him, every one was sure of a patient hearing, and if uncommon merit appeared—and more especially, in the young advocate—it was sure

Chester,	24		10
York,	23		12
Fairfield,	50		33
Union,	68		38
Newberry,	79		36
Sumter,	91		38
Total,	2173	Chancellor De Saussure delivered	924

Charleston Court of Appeals, total,	320
Chancellor De Saussure delivered	185
Columbia Court of Appeals, total,	395
Chancellor De Saussure delivered	205
The cases reported in 3d and 4th Equity Reports, and in Harper's Equity Reports, and in 1st and 2d M'Cord's Equity Reports, amount to	337
Of these Chancellor De Saussure prepared and delivered*	163
*And of these were reversed,	17

to be distinguished by him. He knew and respected the rights of the bar, so important to the freedom and security of the community, and claimed respect for the justice of the State, as represented by himself.

The same industry, the same conscientious sense of duty, was conspicuous in every office, or business, public, or private, which he undertook. As I have said, he was careless of wealth, and rather impaired than improved his circumstances, while in public office. But he was always careful to be fully informed of the exact state of his affairs, that he might not expose himself to embarrassment, and to avoid all risk of doing injustice to others. He could not have endured to have a pecuniary claim made on him which he was not prepared to satisfy. It was the business of every morning to make a memorandum of all matters of duty, business, or civility, which required his attention during the day, and, in consequence, none of these were ever neglected. His reading was very various and extensive, and it was his habit to note every passage which was curious or instructive in what he read.

He was habitually and devoutly religious, according to the faith of his fathers; though without a shade of the harshness, severity, or intolerance, which has been sometimes attributed to that form of christianity. He was, indeed, one of those who made religion amiable, by showing that it is not incompatible with every thing that can grace, or adorn, or cheer human life; and even the thoughtless and the gay, who would have heard with impatience the admonitions of a different sort of instructor, could not fail to be impressed by his.

His benevolence appeared in the whole of his de-

meanor to every one with whom he came in contact. I believe that nothing would have given him more pain, than the thought of having, in any degree, given pain to the feelings of another. But this, from the original bent of his nature, and the effect of confirmed habit, would have been scarcely possible. But he did not merely abstain from giving pain; it was his study to oblige and give pleasure. He raised those with whom he conversed, in their own esteem. I recollect a distinguished gentleman from another State, to have said, "how I envy him the presence of mind, which never fails to prompt him how and when to do and say that which is kind and courteous." He was, in the highest sense of the word, *polite*. And it was no holiday suit, put on for purposes of exhibition in society. His politeness ran through the whole tenor of his deportment—in the intimate intercourse of his family—in his address to servants—for it was founded in his nature. No shade of any thing coarse could, at any time, be detected in his conversation or demeanor; he had the true refinement of mind, which does not admit the thought of what is debased or impure. He loved the conversation of the young, who found in him not only an instructive, but a most agreeable associate. In times, when the contests of political party had severed old friendships, and the intercourse of those who differed in opinion, was distant or interrupted, no friend of his was chilled or estranged for a moment. He could not bear a good man's enmity. From the universal amenity of his manners, some may have supposed his bearing indiscriminate to all; but it was only his intimate friends who could estimate the strength, sincerity, and constancy of his attachments—warm and unimpaired, even to

the moment of death—his zeal for their interests, his care to defend or enhance their reputation, and his watchfulness, either to render serious services, or to do that which should be grateful to their feelings.

He was, indeed,

> "The kindest man,
> The best conditioned and unwearied spirit
> In doing courtesies,"

that it has been my lot to know. We may sum up his character in a word, as that of a man who performed faithfully all the duties of life, who rendered kindness to all with whom he had intercourse, and who did wrong to no one.

APPENDIX.

Extract of a letter from GEORGE WASHINGTON, President of the United States, to HENRY WM. DE SAUSSURE.

Philadelphia, 1st November, 1795.

"I cannot, in this moment of your departure, but express my regret, "that it was not accordant with your views, to remain in the Directorship "of the mint. Permit me to add thereto, that your conduct therein gave "entire satisfaction.

"With great esteem, dear sir, your ob't.

"GEO. WASHINGTON."

MESSAGE OF GOV. BUTLER TO THE LEGISLATURE OF SO. CA.

Executive Office, Columbia,
7th December, 1837.

To the Honorable the Speaker of the House of Representatives of So. Ca.:

In sending to your honorable body, the resignation of the venerable Chancellor DE SAUSSURE, I must be permitted to say, that he has occupied, and now occupies, a striking position to the people of the present generation. He is the last of the revolutionary patriots who has held office under the authority of the State. He now surrenders to his country, (the State of South Carolina,) the trust which he received from her, under the conscientious belief, that it is his duty to do so. His country, and a grateful posterity, in the midst of which he is now living, will appreciate and do honor to his motives. His age commands our veneration, and his services and virtues entitle him to our gratitude. He has worn the sword of a soldier, amidst the perils of the revolution, and the ermine of a virtuous magistrate in peace. The one was never used but against the enemies of his country, and the other will descend from him, without spot or blemish.

The State should make him a living monument of her gratitude, and a just appreciation of the services of one of the fathers of his country. Our Spartan veneration for his age, should be only equal to our gratitude for the services of a venerated and virtuous magistrate.

I hope that the Legislature will not suffer the occasion to pass away, without some signal manifestation of public gratitude.

I have the honor to be, with great respect, your obedient servant,

P. M. BUTLER.

RESOLUTIONS OF THE LEGISLATURE OF THE STATE OF SO. CA.

In Senate, December 7, 1837.

Resolved, That the General Assembly has learned, with deep regret, the circumstances of ill health, which have compelled the Honorable Chancellor De Saussure to resign his seat on the Equity Bench of this State.

Resolved, That the General Assembly regards with a due estimate of their value, his long, able, and faithful, services to the people of South Carolina, in the high judicial station which he has occupied—services, which not only furnish the best memorial of his worth, but an enduring example to those who are destined to succeed him.

Resolved, That the Comptroller General, in settling the accounts of Judge De Saussure, be authorized, and directed, to pass one year's salary to the credit of Judge De Saussure, over and above the amount now due him.

Resolved, That the Senate do unanimously agree. Ordered to the House of Representatives for concurrence.

By order,

JACOB WARLEY, *C. S.*

In the House of Representatives, Dec. 9th, 1837.

Resolved, That this House do concur.

Ordered, That it be returned.

By order,

T. W. GLOVER, *C. H. R.*

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